

## **BOARD OF ZONING APPEALS**

### **Minutes**

**December 19, 2000**

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas, was held at 1:30 p.m., on December 19, 2000, in the Planning Department Conference Room, Tenth Floor of City Hall, 455 N. Main, Wichita, Kansas.

The following Board members were in attendance: JOHN ROGERS, JAMES P. RUANE, BRADLEY TIDEMANN, and JAMES B SKELTON. The following Board member was absent: RANDY PHILLIPS, FLOYD PITTS, and MARY DE SENA.

The following Planning Department staff members were present: DALE MILLER, Secretary, SCOTT KNEBEL Assistant Secretary, Recording Secretary, LISA ESTRADA.

Also present SHARON DICKGRAFE -- Assistant City Attorney and J.R.COX -- Commercial Plan Review/Commercial Zoning -- Office of Central Inspection.

**JOHN ROGERS:** I believe we have a quorum now, the Board of Zoning Appeals will come to order. Will the secretary please call role?

**ESTRADA:** Calls role.

**ROGERS:** The first item on the Agenda is to approve the minutes of the September 26<sup>th</sup> and the December 5<sup>th</sup> meeting. Has everyone had a change to review those minutes? I will entertain a motion.

**SKELTON moves RUANE second to approved BZA meeting minutes for September 26, 2000 and December 5, 2000.**

**MOTION CARRIES 4-0.**

**ROGERS:** I would like to mention to staff before we start that in my going on four years on this Board, that this is the first meeting I have Chaired so I would ask your assistants if a go to far of course. First case is BZA 2000-00063.

**SCOTT KNEBEL:** Good afternoon. The item before you today is a variance request to reduce the Code required off-street parking from 90 spaces to 27 spaces. The property in question is zoned "LI" Limited Industrial, the proposed use of the facility is manufacturing for aircraft parts, and the property is located at the north west corner of 14<sup>th</sup> Street and Santa Fe.

The applicant is Apex Engineering, which has been selected by Cessna as a subcontractor to provide a pretty major business expansion on their part. They have indicated that they have been given a very short time period to make this business expansion in order to maintain that contract; otherwise, they will lose

that business to another company out of the community and most likely out of the state.

The site, as you can see here by the aerial, (pointing to map) is currently developed with a manufacturing business. I don't have a laser pointer here to point it out. But, as you can see, about the northern 20% of the site is vacant, now and the applicant is proposing to expand that building slightly by just over 8,000 square feet and then to provide parking on the remainder of the property as well as along Santa Fe Street in a parallel parking fashion and then down in the southeast corner where the parking is provided by the existing business that is there today.

The "Unified Zoning Code" requires that manufacturing businesses provide one parking space for each 500 hundred square feet. The existing building is nearly 37,000 square feet. With the addition of another 8,000 square feet, the building size would be approximately 45,000 square feet which would require 90 off-street parking spaces. The way the property is developed today, the parking spaces are not paved or marked, so it was a little difficult to determine how many spaces are provided. When I visited the site there were vehicles parked, as you can see, there were a few vehicles parked here along the east side of the building. The majority of the parking is down in the southeast corner, and I estimated that there is about 20 to 25 spaces provided at that site today.

The applicant has indicated that they will have about 25 employees on site, and I apologize, I don't have a real good site plan to show you, this is a little bit better than what you have in your packet. They show about half of the parking along the south here, parallel parking here, and then parking up in this southeast corner.

**RUANE:** Scott, that is 14<sup>th</sup> Street at the top?

**KNEBEL:** Yes, actually north is to the bottom on this particular slide. The area is primarily Industrial zoning. There are some Single-Family residences in Industrial zoning, and then to the west of the site is some "B" Multi-Family zoning, which also has some Single-Family residences across the alley. That was a picture of the site. This is looking north along Santa Fe. You can see some sporadic development with Single-Family. The remainder of the lots in this particular area, for lack of a better term, "used for outdoor storage". J. R. Cox probably doesn't want to go up there.

This is the property northeast of the site. You can see that there is some grain storage and some other types of Industrial uses as there is east of the site, and southeast of the site. These are the properties looking south, again, the same type of uses as there is to the north, some Single-Family residence and some outdoor storage. This is looking to the west. The properties to the west are primarily Single Family residences, and you can see this is looking down the alley, across the alley to the properties on the western edge, this is looking north up the alley.

In reviewing the request, the staff has found that the five criteria in our opinion have been satisfied. As far as the uniqueness, the applicant is looking for a facility that they can quickly move into. Within approximately, this particular is

within a ½ mile, they are looking for something that is relatively close to their existing facility which is located near 13<sup>th</sup> and Wellington, so that they can have some operational efficiencies, in the manufacturing of these parts, which would then be transferred back to their other facility for final delivery. This particular site is one of very few sites that is available for that purpose, and therefore, we find that this particular site is unique in that aspect.

The adjacent properties we do not feel would be adversely impacted. The use of the site is not really being changed. There is an existing manufacturing business there today. That business provides a similar number of parking spaces as will be provided by the applicant. It was difficult to tell. They may have had fewer employees but not much fewer than the number 25 that the applicant has indicated that they will have on the site at one time.

The hardship we feel has been met, due to the fact that there are so few properties that are already developed and ready to go for the particular use that the applicant is wishing to use the property for.

As with the impact on the adjacent property we do not feel there is going to be any detrimental impact on the public interest due to the relative minor nature in the change of the use of property that is requested.

As far as the intent of the Code, the zoning regulations are based on a set of assumptions of a typical business. The type of manufacturing that this particular applicant does uses some rather large equipment and some rather expensive and unmovable type of equipment that is less than typical for your manufacturing businesses. So they use fewer employees per square foot of building space than the average manufacturing business, so we feel like following the strict interpretation of the Code would cause too many parking spaces to be required in this particular instance.

Based on that we are recommending that the variance to reduce the off-street parking from 90 spaces to 27 spaces be granted, subject to a number of conditions:

- 1) The site shall be developed in substantial conformance with the site plan that was submitted with this application.
- 2) All parking areas shall be paved and marked.
- 3) The maximum number of employees permitted on-site shall not exceed 25 at any one time. If additional employees are required, additional parking spaces shall be provided.
- 4) The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
- 5) The resolution authorizing this variance may be declared null and void

upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

I will conclude my remarks and answer any questions.

**RUANE:** Scott, is Santa Fe available for on-street parking?

**KNEBEL:** It could be used for on-street parking. Let me see if I can go back here to a picture of it. I parked on the street when I took these pictures. You can see that some people are kind of parking on the street. It is not paved so it is a little difficult. I mean it is not as typical for people to park on unpaved streets as they do on paved streets, but I think there is right-of-way to do it. The way that the site plan is shown though will probably preclude an on-street parking in front of the business because they are showing parallel parking on their parking adjacent to the street right-of-way, which I think you would have two cars double parked, if you parked in the right-of-way as well.

**SKELTON:** The only concern I have about this project is that in the future if the use of the building will change what remedy would there be for additional parking?

**KNEBEL:** Well, if there was a use, say, that wanted to use the building and they had more than 25 employees and needed more parking, essentially they would be required to acquire additional land in the area and just provide additional parking. I think the recommendation for limiting the number of employees would run with the land regardless of the operator.

**SKELTON:** Thank you.

**ROGERS:** Are there more questions for staff? Thank you, Scott. Are there any members in the audience to speak in favor of the variances? If so would you please approach the bench and identify yourself.

**STEVE DWERLKOTTE, President of Apex Engineering:** We are the company that is the contract purchaser of this property. We have a long-term agreement, a long-term contract actually with Cessna to take over certain manufacturing operations that they want to move out of their restructuring of their internal operations.

This expansion that we are planning has been attempted to be moved out by Cessna for approximately two years. Cessna was unsuccessful at getting this accomplished, so we stepped up and came up with a proposal. This is one of two phases of the proposal. One is to also add existing facilities to our existing plant on Wellington Place, but this will keep approximately 60 jobs here in Wichita and keep this production here local. Cessna, of course, as you know has a tight time frame in wanting to get all of this accomplished, and so actually we were just out there now giving an update to the Cessna team on where we were on this project.

This facility would be used in the kind of operation we would be using this facility for would be for simply forming of parts. Most of the handwork, routing

which would be most of the hand work would be done at our existing facility at 1234 Wellington Place.

Once again this adds additional expansion. The idea of perhaps some day having more employees in this facility could happen, but if that does happen, there are adjacent properties that could be acquired hopefully in the future to take this restriction permanently away. However, at this moment those are not available, and we are hoping that we could continue to clean this area up move the outdoor storage of equipment to other facilities, pave it, and kind of clean the area up in general as we have done in our existing facility on Wellington Place.

Once again, we feel this would be an enhancement to not only our company but would save jobs for here in the community and think would significantly enhance the appearance of that facility on Santa Fe. Thank You.

**ROGERS:** Thank you, Steve. Is there anyone else that would like to speak in favor of the variance in our audience?

**CHERYL R. PHILLIPI:** We are in concurrence. We are the property owners that are selling the property to Steve under contract.

**ROGERS:** Is anyone in the audience to speak against the variance? In that case I think we will restrict the conversation to the bench.

**RUANE moves SKELTON seconds that the Board accept the findings of fact as set forth in the Secretary's Report; and that all five conditions set out in Section 2.12.590 (b) of the City code as necessary for the granting of a variance have been found to exist and that the variance be granted subject to the conditions as set out in the Secretary's Report.**

**MOTION carries 4-0.**

**ROGERS:** Thank you for coming to this meeting. J.R. Cox, do we have a report from Central Inspection?

**J.R. COX OFFICE OF CENTRAL INSPECTION:** Yes, a very short report. BZA2000-00008, it was a variance to add a building sign without 150 feet of parking area. That would be in "LC" zoning district. It was at Kellogg and Rock Road. It was in the Eastgate Shopping Center. It was a jewelry store. The sign is up and is in compliance. That is all I have, and if you have any questions I will attempt to answer them.

**ROGERS:** Thank you, J.R. I believe the last thing on our Agenda is to review the schedules for 2001.

**MILLER:** It is pretty much the same time that we have always had, but we just always bring them to the Board to approve it.

**RUANE:** So, these are the fourth Tuesday's of the month overall?

**ROGERS:** I might ask staff, when is our elections coming up for the Board positions.

**DICKGRAFE:** Weren't they in July?

**MILLER:** I think they are. It seems like it is summer whenever we do it anyway, so I think that sounds right.

**ROGERS:** Thank you. I believe that takes care of everything on our Agenda for the day folks, so I would like to wish everyone a Merry Christmas, and if you are going to be traveling be safe.

**MOTION TO ADJOURN 1:48 p.m.**